

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Richard Wayne Allen,)
)
) Civil Action. No. 4:12-cv-01976-JMC
)
 Plaintiff,)
)
 v.)
)
 Carolyn W. Colvin, Acting Commissioner)
 of the Social Security Administration,)
)
 Defendant.)
)

This matter is before the court upon motion of the Plaintiff, through his attorney, Danny Mayes, for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. On October 31, 2013, Counsel for the Plaintiff Danny Mayes ("Counsel"), filed a motion for attorney's fees and costs [ECF No. 42]. The motion seeks reimbursement for Counsel's representation in the captioned matter in the amount of \$4,726.75 in fees at \$125 per hour and \$23.00 for costs and expenses. Defendant's response to Plaintiff's Motion for Attorney Fees under 28 U.S.C. § 2412 [ECF No. 43] notifies the court that she does not oppose Plaintiff's request for fees in the amount stated herein. However, the parties agreed to a stipulated amount of \$4,400.00 for attorney fees, \$16.00 in expenses under the EAJA, and \$7.00 in costs.

The court has reviewed Counsel's fee petition and the signed fee agreement that was submitted with the petition, and finds Counsel's stipulated request for fees reasonable.

Therefore, the Plaintiff is entitled to an award of attorney's fees under the Equal Access to Justice Act in the stipulated amount of \$4,400.00 in attorney's fees, \$16.00 in expenses and \$7.00

in costs . In accordance with *Astrue v. Ratliff*, 130 S.Ct 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the litigant, thus subjecting EAJA fees to offset under the Treasury Offset Program (31 U.S.C. ' 3716(c)(3)(B) (2006)) and, therefore, this Court directs fees be payable to the Plaintiff and delivered to Plaintiff's counsel.

IT IS SO ORDERED.



United States District Judge

December 6, 2013
Greenville, South Carolina